

Technical Assistance and Environmental Liability Clarification Request Remediation and Redevelopment Program

Form 4400-237 (12/05)

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Notice: Personally identifiable information that is collected will be used to process your request and may be made available by request under Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

Purpose: Use this form to request a written response from the Department regarding technical assistance or liability clarification for property with known or suspected environmental contamination. A fee is authorized by s. 292.55, Wis. Stats., and required under NR 749, Wis. Adm. Code.

Definitions

"Property" refers to the subject property that is perceived to have been or has been impacted by the discharge of hazardous substances.

"Liability Clarification" refers to a written determination by the Department provided in response to a request made on this form. The response clarifies whether a person is or may become liable for the environmental contamination of a property, as provided in s. 292.55, Wis. Stats.

"Technical Assistance" refers to the Department's assistance or comments on the planning and implementation of an environmental investigation or environmental cleanup on a property in response to a request made on this form, as provided in s. 292.55, Wis. Stats.

Select the Correct Form

Select the correct form to facilitate the processing of your request. Do not use this form if one of the following applies:

- Request for an **off-site liability exemption or clarification** for property that has been or is perceived to be contaminated by one or more hazardous substances that originated on another property containing the source of the contamination. Use DNR's Off-Site Liability Exemption and Liability Clarification Application Form 4400-201.
- Submittal of an Environmental Assessment for the **Lender Liability Exemption**, s. 292.21, Wis. Stats., if no response or review by DNR is requested. Use the Lender Liability Exemption Environmental Assessment Tracking Form 4400-196.
- Request for an **exemption to develop on a historic fill site** or licensed landfill. Use DNR's Form 4400-226 or 4400-226A.
- **Request for closure** for property where the investigation and cleanup actions are completed. Use DNR's Case Summary and Closeout Request Form 4400-202.
- Submittal of Operation, Maintenance, Monitoring and Optimization Reporting of Soil and Groundwater Remediation Systems as part of an ongoing cleanup. Use DNR's Form 4400-194.

All forms, publications and additional information are available on the Internet at: dnr.wi.gov/org/aw/rr/, or by contacting the staff listed on the last page.

Instructions

1. Complete Sections 1, 2, 6 and 7 for all requests. Be sure to provide adequate and complete information.
2. Select the type of assistance requested. See Section 3 for technical assistance, Section 4 for a written determination or clarification of environmental liabilities, or Section 5 for a specialized agreement.
3. Include the fee payment that is listed in Section 3, 4 or 5, unless the property is in the Voluntary Party Liability Exemption Program and the questions in Section 2 direct otherwise.
4. Send the completed request and supporting materials to the appropriate DNR regional office where the property is located. See the map on the last page. Contact the DNR project manager or call the phone numbers listed with any questions.

The time required for DNR's determination varies depending on the complexity of the site, and the clarity and completeness of the request and supporting documentation.

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Section 1. Recipient of the Technical Assistance, Liability Clarification or Agreement from the Department

This is the person who is requesting that his or her liability be clarified or who is seeking technical assistance or a specialized agreement and is identified as the applicant in Section 7. DNR will address its response to this person.

Name		Organization/Business Name	
Mailing Address		City	State ZIP Code
Telephone Number	Fax Number	E-Mail Address	

The applicant listed above: (select all that apply) ☐ Is currently the owner ☐ Is renting or leasing the property
☐ Is considering acquiring the property ☐ Has mortgagee interest in the property ☐ Is considering selling the property
☐ Other. Explain the status of the property with respect to the applicant: _____

Contact Information (to be contacted with questions about this request)

Contact Name	Organization/Business Name
Telephone Number	E-Mail Address

Environmental Consultant (if applicable)

Consultant Name	Organization Name
Mailing Address	City State ZIP Code
Telephone Number	Fax Number E-Mail Address

Attorney (if applicable)

Attorney Name	Organization Name
Mailing Address	City State ZIP Code
Telephone Number	Fax Number E-Mail Address

Section 2. Property Information

BRRTS No. (if known)	FID No. (if known)	Property Name	
Street Address		City	State ZIP Code
County	Municipality where the property is located: <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of _____	Property is composed of: <input type="checkbox"/> a single tax parcel <input type="checkbox"/> multiple tax parcels	Property Size Acres

Is a response needed by a specific date? (e.g., property closing date) Note: Most requests are completed within 60 days. Please plan accordingly.

☐ No ☐ Yes – Date: _____ Reason: _____

Is this property currently enrolled in or undergoing cleanup actions under the Voluntary Party Liability Exemption (VPLE) program?

☐ No. **Include the fee that is required for your request in Section 3, 4 or 5.**

☐ Yes. If yes, is the recipient listed above also the voluntary party who is currently enrolled in the VPLE program at the property?

☐ No. **Include the fee that is listed for your request in Section 3, 4 or 5.**

☐ Yes. **Do not include a separate fee. This request will be billed separately through the VPLE Program.**

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Fill out the information in Section 3, 4 or 5, which corresponds with the type of request: technical assistance, liability clarification, or specialized agreement.

Section 3. Request for Technical Assistance

Select the type of technical assistance requested:

- ☐ No Further Response Required (Immediate Actions) – NR 708.09 – **Include a fee of \$250. Use for a written response to an immediate action after a discharge or discovery of hazardous substance. Generally, these are one-time spill events.**
- ☐ No Further Site Investigation Necessary – s. NR 716.05 – **Include a fee of \$500. Use where an environmental discharge was found but no DNR-approved site investigation or clean-up work was required. This is not a closure letter.**
- ☐ Review of Site Investigation Workplan – NR 716.09 – **Include a fee of \$500.**
- ☐ Review of Site Investigation Report – NR 716.09 – **Include a fee of \$750.**
- ☐ Approval of a Site Specific Soil Cleanup Standard – NR 720.19 Reports – **Include a fee of \$750.**
- ☐ Review of a Remedial Action Options Report – NR 722.07 – **Include a fee of \$750.**
- ☐ Review of a Remedial Design Report – NR 724.09 – **Include a fee of \$750.**
- ☐ Review of a Construction Documentation Report – NR 724.17 – **Include a fee of \$250.**
- ☐ Review of a Long-term Monitoring Plan – NR 724.17 – **Include a fee of \$300.**
- ☐ Review of Phase I and Phase II Environmental Assessment and other supporting documentation to qualify for the Wisconsin Brownfields Insurance Program (WBIP) – **Include a fee of \$500.**
- ☐ Other Technical Assistance – s. 292.55, Wis. Stats.
 - ☐ No Further Site Investigation Necessary – s. NR 716.05 – **Include a fee of \$500. Use where an environmental discharge was found but no DNR-approved site investigation or clean-up work was required. This is not a closure letter.**
 - ☐ Review of Phase I and Phase II Environmental Assessment and other supporting documentation to qualify for the Wisconsin Brownfields Insurance Program (WBIP) – **Include a fee of \$500.**
 - ☐ Other Technical Assistance – **Include a fee of \$500.** Explain your request below or in an attachment.

Skip Sections 4 and 5 if the technical assistance you are requesting is listed above. Complete Sections 6 and 7 of this form.

Section 4. Request for Liability Clarification

Select the type of liability clarification requested. Use the available space given or attach information, explanations, or specific questions that you need answered in DNR's reply. Complete Sections 6 and 7 of this form.

- ☐ Lender liability exemption clarification – s. 292.21, Wis. Stats. – **Include a fee of \$500.**

Provide the following documentation: (1) owner status; (2) an environmental assessment, in accordance with s. 292.21, Wis. Stats., if the property has been acquired by the lender; (3) the date the environmental assessment was conducted; (4) the date of property acquisition; and (5) the means by which the property was acquired.
- ☐ Clarify the liability associated with a "closed" property – s. 292.55, Wis. Stats. – **Include a fee of \$500.**

Include a copy of any closure determinations from state agencies other than DNR.
- ☐ Clarification of local governmental unit (LGU) liability exemption – s. 292.11(9)(e), Wis. Stats. – **Include a fee of \$500, a summary of the environmental liability clarification being requested, and the following:**
 - (1) current and proposed ownership status of the property;
 - (2) date and means by which the property was acquired by the LGU, where applicable;
 - (3) summary of current uses of the property; and
 - (4) intended or potential use(s) of the property.

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Section 4. Request for Liability Clarification (continued)

- ☐ Lease liability clarification – s. 292.55, Wis. Stats. – **Include a fee of \$500 for a single property, or \$1000 for multiple properties and the information listed below:**
- (1) a copy of the proposed lease;
 - (2) the name of the current owner of the property and the person who will lease the property;
 - (3) a description of the lease holder's association with any persons who have possession, control, or caused a discharge of a hazardous substance on the property;
 - (4) map(s) showing the property location and any suspected or known sources of contamination detected on the property;
 - (5) a description of the intended use of the property by the lease holder, with reference to the maps to indicate which areas will be used. Explain how the use will not interfere with any future investigation or cleanup at the property; and
 - (6) all reports or investigations (e.g. Phase I and Phase II Environmental Assessment Reports) that identify areas of the property where a discharge has occurred. For any environmental data submitted include:
 - a) property map(s) showing sampling locations for all data submitted;
 - b) interpretation of data signed by a qualified environmental professional;
 - c) soil boring logs;
 - d) groundwater monitoring well construction, development and sampling logs;
 - e) soil and groundwater data reports from certified laboratories;
 - f) survey information for groundwater elevations;
 - g) chain of custody forms for all samples; and
 - h) description of sample collection methods.
- ☐ General or other environmental liability clarification – s. 292.55, Wis. Stats. – Explain your request below. **Include a fee of \$500 and an adequate summary of relevant environmental work to date.**

Use this space or attach additional sheets to provide necessary information, explanations or specific questions to be answered by the DNR.

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Section 5. Request for a Specialized Agreement

Select the type of agreement needed. Include the appropriate draft agreements and supporting materials. Complete Sections 6 and 7 of this form. More information and model draft agreements are available at: dnr.wi.gov/org/aw/rr/financial/del_taxes.html.

- ☐ Tax cancellation agreement – s. 75.105(2)(d), Wis. Stats. – **Include a fee of \$500, Phase I and II Environmental Assessment Reports, and a draft agreement.**
- ☐ Agreement for assignment of tax foreclosure judgment – s. 75.106, Wis. Stats. – **Include a fee of \$500, Phase I and II Environmental Assessment Reports, and a draft agreement.**
- ☐ Negotiated agreement – Enforceable contract for non-emergency remediation – s. 292.11(7)(d) and (e), Wis. Stats. – **Include a fee of \$1000. Include a draft schedule for remediation and provide the name, mailing address, phone and email for each party to the agreement.**

Section 6. Other Information Submitted

Identify all materials that are included with this request.

Include one copy of any document from the Departments of Commerce; Agriculture, Trade and Consumer Protection (ATCP); or other agency files that you want the Department to review as part of this request. The applicant is responsible for contacting Commerce or DATCP to obtain appropriate reports or information.

- ☐ Phase I Environmental Site Assessment Report — Date: _____
- ☐ Phase II Environmental Site Assessment Report — Date: _____
- ☐ Map of the property
- ☐ Analytical results of the following sampled media: Select all that apply and include date of collection.
- ☐ Groundwater ☐ Soil ☐ Sediment ☐ Other medium – Describe: _____
- Date of Collection: _____
- ☐ A copy of the closure letter and submittal materials
- ☐ Draft tax cancellation agreement
- ☐ Draft agreement for assignment of tax foreclosure judgment
- ☐ Other report(s) or information – Describe: _____

For property with newly identified discharges of hazardous substances only: Has a notification of a discharge of a hazardous substance been sent to the DNR as required by s. NR 706.05(1)(b), Wis. Adm. Code?

- ☐ Yes – Date (if known): _____
- ☐ No

Note: The Fax Notification for Hazardous Substance Discharge (non-emergency) form is available at: dnr.wi.gov/org/aw/rr/archives/pubs/4400-225.pdf.

Section 7. Certification by the Person who completed this form

- ☐ I am the applicant and I prepared this request.
- ☐ I prepared this request for: _____
Applicant Name

I certify that I am familiar with the information submitted on this request, and that the information on and included with this request is true, accurate and complete to the best of my knowledge.

Signature	Date Signed
Title	Telephone Number

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Section 8. DNR Contacts and Addresses for Request Submittals

Send or deliver the completed request, supporting materials, and fee to the region where the property is located. Contact the individual listed with any questions about this form or a specific situation involving contaminated property.

DNR NORTHERN REGION

Attn: RR Program Assistant
Department of Natural Resources
107 Sutliff Avenue
Rhineland WI 54501
John Sager (715) 623-4190 Ext. 3125

DNR NORTHEAST REGION

Attn: RR Program Assistant
Department of Natural Resources
2984 Shawano Avenue
Green Bay WI 54313
Annette Weissbach (920) 662-5165

DNR SOUTH CENTRAL REGION

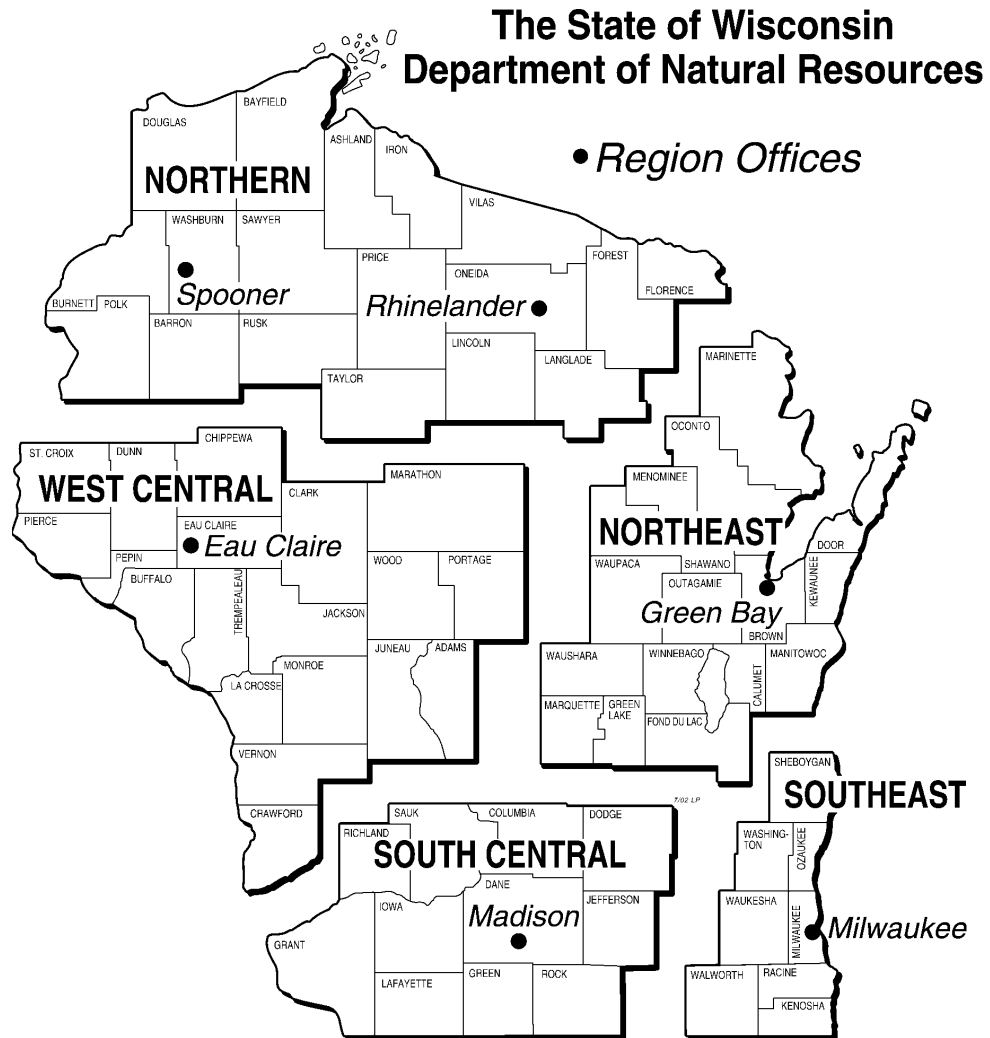
Attn: RR Program Assistant
Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg WI 53711
Mike Schmoller (608) 275-3303

DNR SOUTHEAST REGION

Attn: RR Program Assistant
Department of Natural Resources
2300 North Martin Luther King Drive
Milwaukee WI 53212
Margaret Brunette (414) 263-8557

DNR WEST CENTRAL REGION

Attn: RR Program Assistant
Department of Natural Resources
1300 Clairemont Ave.
Eau Claire WI 54702
Loren Brumberg (715) 839-3770



DNR Use Only			
Date Received	Date Assigned	BRRTS Activity Code	BRRTS FID No. (if used)
DNR Reviewer		Comments	
Fee Enclosed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Fee Amount \$	Date Additional Information Requested	Date Requested for DNR Response Letter
Date Approved	Final Determination		